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DEC 10 2004

In re Application : **OFFICE OF PETITIONS**  
Belshe, et al. :  
Application No. 09/785,764 : PATENT TERM ADJUSTMENT  
Filed: February 16, 2001 :  
Dkt. No.: SLU 4538 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705," filed August 16, 2004. This request is being treated under 37 CFR 1.704(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **GRANTED**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 561 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from 0 days as indicated on the Determination of Patent Term Adjustment mailed May 18, 2004 to 561 days.

A review of the application history reveals that an adjustment of 591 days can be attributed to the Office. An initial reduction under 37 CFR 1.702(a)(2) of 561 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment began February 4, 2002, the day after the date that is four months from the date a response to a non-final Office action was filed, and ended August 18, 2003, the date the second non-final Office action was mailed. A further adjustment under 37 CFR 1.702(a)(2) of 30 days can be attributed to the Office. The adjustment began April 18, 2004, the day after the date that is four months after a response to the non-final Office action was filed, and ended May 18, 2004, the date the Notice of Allowance was mailed.

The Office errantly entered August 15, 2003 as the date of reply to the non-final rejection mailed July 3, 2001 rather than the correct date of October 3, 2001.

In accordance with 37 CFR 1.704(b), the adjustment of 591 days is reduced 30 days for applicants' failure to engage in reasonable efforts to conclude prosecution. The reduction began November 19, 2003, the day after the date that is three months after the date the second non-final Office action was mailed, and ended December 18, 2003, the date a response to the Office action was filed.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 561 days as argued by applicants.

The required fee of \$200.00 for an application for patent term adjustment has been charged to Deposit Account No. 19-1345 as authorized in the instant petition.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

*Karin Ferriter*

Karin Ferriter *for*  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation